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05/13/2009

EXAMINER

TERMANINI, SAMIR

ART UNIT

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2179

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/731,940	Applicant(s) CALLAGHAN ET AL.	
	Examiner Samir Termanini	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

BACKGROUND

1. This action is responsive to communications filed on 3/3/2009.
2. Claims 1–33 are pending in this case. Claims 1, 13, 24, 28, and 32 are in independent form. Claims 1, 8, 13, 24 and 27--32 have been amended. Claims 25 and 26 have been canceled.

INFORMATION DISCLOSURE STATEMENT

3. The information disclosure statement (IDS) filed on 10/29/2004 has previously been acknowledged and considered by the examiner.

RESPONSE TO AMENDMENT

4. Arguments concerning the Examiner's Rejections of claims 25-27 and 29–31 under 35 U.S.C. §101 in the previous Office Action (Mail dated: 3/20/2007) have been fully considered and are persuasive. Therefore, the rejection(s) have been withdrawn.
5. Amendments concerning the Examiner's Rejection of claims 16-28, 30, and 42-43 under 35 U.S.C. §101 in the previous Office Action (Mail dated: 9/3/2008) have been fully considered and are persuasive. Therefore, the rejection(s) have been withdrawn.
6. Arguments concerning the Examiner's rejection of Claims 30-32 rejected under 35 U.S.C. 102(e) as being anticipated by *Chapman et al.* (US 2004/0021679 A1) made in the previous Office Action have been fully considered but are not persuasive. Therefore, the rejection(s) have been maintained.

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7. Applicant's arguments with respect to Claims 1-24, 27-29, and 33 have been considered but are moot in view of the new ground(s) of rejection.

CLAIM REJECTIONS-35 U.S.C. § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. **Claims 1-24, 27-29, and 33** are rejected under 35 U.S.C. 102(e) as being anticipated by *Lewallen* US Pat No. 7,020,882 B1.

As to claims 1, 18, 23, 29 and 30 *Lewallen* describe(s): a system comprising computer-executable instructions embodied on a computer-readable storage medium that when executed on one or more processors provide remote visualization of a device's faceplate,

“To overcome the limitations in the prior art described above, preferred embodiments disclose a method, system, and program for generating user interface output on an output device attached to a remote computer. The remote computer communicates over a network to at least one server. The remote computer and server may comprise any computing device known in the art or any appliance or device including an embedded computing device. An object is transmitted to the remote computer including user interface components and data. The remote computer generates user interface output from the user interface components and data in the object.”

(col. 2, lines 40-53) comprising: an interface component that retrieves a stream of SVG information that includes data representative of the device's physical faceplate, the stream of

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SVG information is retrieved from storage associated with the device; and a display component that executes the stream of SVG information to render an interactive graphical representation of the device's faceplate within a remote viewing window (“At block 330, the remote computer 208 receives W3C APIs 204 transmitted over the network 210 from the server 200. The bridge (at block 332) then translates the W3C APIs 204 to one or more user interface CUI) APIs that implement the W3C APIs 204 within the user interface 206. For instance, the user interface CUI) APIs may comprise the user interface implementation of the DOM, such as the particular implementation of the DOM in Microsoft Internet Explorer 4.0, Netscape Communicator 6.0 and Navigator, Mozilla, the Scalable Vector Graphics format or any other user interface that implements the DOM specification. The layout engine 214 (at block 334) then executes the user interface (UI) APIs translated from the W3C APIs 204 to manipulate the VI DOM 216 and generate commands to alter the displayed user interface, e.g., HTML page. “ col. 11. lines 19-35).

As to dependent **claim 2, 14 and 24**, *Lewallen* further discloses: the system of claim 1, the stream of SVG information comprises a finite set of data (“Preferred embodiments provide a method, system, and program for using a set of standard application program interface (API) that are adopted as an industry standard, such as the W3C DOM API interfaces, in a cross-platform application program, such as a Java application program.” col. 1, lines 25-35) embedded within an XML markup language-based file “The DOM model is a standard interface used to define the structure of documents, particularly HTML and XML documents. In the DOM specification, the term "document" is used in the broad sense to include the components of a textual document as well as components of an application program. The DOM interface represents the document or application program as a hierarchical arrangement of nodes. All the components of an HTML or XML document, including data as well as program elements, such as the user interface elements, can be expressed as hierarchically arranged nodes.” col. 4; lines 12-25).

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As to dependent **claim 3**, which depends from claim 1, *Lewallen* further discloses: the system of claim 1, the stream of SVG information is obtained in real-time from the device (“In preferred embodiments, the mixed statement programs may execute using multithreading techniques known in the art to concurrently execute multiple mixed statement programs in a single browser or web page.” col. 8 lines 8-13).

As to dependent **claim 4**, which depends from claim 1, *Lewallen* further discloses: the system of claim 1, the interface is a Web browser. (“In preferred embodiments, the mixed statement programs may execute using multithreading techniques known in the art to concurrently execute multiple mixed statement programs in a single browser or web page.” col. 8 lines 8-13).

As to dependent **claim 5**, which depends from claim 1, *Lewallen* further discloses: the system of claim 1, the graphical representation is rendered within one of a Web browser and an open software package (“over an open network, such as the Internet, that does not require the implementation of 35 specialized protocols or software.” col. 2 lines 33-35).

As to dependent **claim 6**, which depends from claim 5, *Lewallen* further discloses: the system of claim 5, the open software package is one of an Adobe a~ or a Macromedia plug-in. (“the Scalable Vector Graphics format used by Adobe Systems, Inc.,” col. 4 lines 55-57).

As to claims 7, 21, and 33 which depends from claim 1, *Lewallen* further discloses: the system of claim 1, the graphical representation provides for viewing, recording, and effecting device operation (“FIG. 4 illustrates an alternative embodiment where a server 200 includes an application program 202 that generates W3C 30 API calls 204 to control a user interface

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program 206 on a remote computer 208 over a network 210, such as the Internet, an Intranet, a local area network (LAN), etc.” col. 10, lines 25-35).

As to dependent **claims 8**, which depends from claim 1, *Lewallen* further discloses: the system of claim 1, the graphical representation is dynamically updated to reflect a current state of the device's physical faceplate (“During runtime, the mixed statement program embedded in a Web page like an Applet may dynamically add buttons, tables, text and graphics to the HTML page by manipulating the HTML DOM. Still further, the mixed 60 statement program may include a combination of preconstructed HTML elements for the user interface as well as adding elements by manipulating the DOM.” col. 9 lines 55-65).

As to dependent **claim 9**, which depends from claim 1, *Lewallen* further discloses: the system of claim 1, the graphical representation comprises one or more of an LED, an alphanumeric display, a state, a status, an input value, and an output value (“which includes the value of the pointer for any native operating system object, e.g., COM” col.6. lines 25-32)

As to dependent **claims 10 and 20**, which depends from claim 1, *Lewallen* further discloses: the system of claim 1, the graphical representation further depicts one or more of a chart and/ or a graph to monitor device performance (“The computer further transmits to the remote computer standard application program interfaces (API) that are a member of a set of standard APIs in a first 50 format. The remote computer converts the standard APIs in the first format to user interface APIs in a second format to manipulate the object and generate further user inte” col. 15, lines 45-55).

As to dependent **claims 11 and 15**, which depends from claim 1, *Lewallen* further discloses: the system of claim 1, the graphical representation can be stored for future analysis.(“

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Such information bearing media, when carrying computerreadable instructions that direct the functions of the present invention, represent alternative embodiments of the present invention.” col. 14, lines 13-18)

As to dependent **claim 12 and 17**, *Lewallen* further discloses: the system of claim 1 is employed in an industrial environment (“as a server class machine, personal computer, workstation, mainframe, laptop, hand held computer, palm computing device, appliance with embedded web technology, etc. Thus, the server computer 200 is not necessarily limited to server class machines.” col. 10, lines 45-55).

As to independent **claim 13**, *Lewallen* describe(s): a system comprising computer-executable instructions embodied on a computer-readable storage medium that when executed on one or more processors provide access to a device from a remote Web interface, comprising: a data conveying component that is utilized to stream device-related data; an interface component that couples the data conveying component to a device residing on a network; and a network browser that retrieves a stream of data from the device and generates a graphical depiction of the device based on the information within the stream of data, the graphical depiction provides a user with access to the device

...In the above embodiments, the program generating the W3C APIs and the bridge that translates the W3C APIs were described as located on the same computing system. FIG. 4 illustrates an alternative embodiment where a server 200 includes an application program 202 that generates W3C 30 API calls 204 to control a user interface program 206 on a remote computer 208 over a network 210, such as the Internet, an Intranet, a local area network (LAN), etc. The server 200 further includes client/server middleware 210, such as the Common Object Request Broker Architecture (CORBA) to transmit the W3CAPI calls 204 to one or more remote computers 208 over the network 210. Alternatively, the client/server middleware 210 may comprise any other protocol or specification for allowing an application program on a server to communicate with a remote user interface, such as the Common Gateway Interface (CGI), Java Servlets, etc.

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Further, in preferred embodiments, the client/server middleware 210 would also include a Hypertext Transfer Protocol. (HTTP) agent to allow the server 200 to respond to general HTTP requests from the remote user interface 206, which in preferred embodiments is an HTML web browser.”

(col. 10. lines 24-46).

As to dependent **claim 16**, which depends from claim 13, *Lewallen* further discloses: the system of claim 13 further comprises a firewall that provides secure communication between the network browser and the device.

As to dependent **claim 22**, which depends from claim 13, *Lewallen* further discloses: the system of claim 13 further comprises intelligence comprising one or more of a statistic, a probability, an inference and a classifier to facilitate at least one of locating the file, executing the file and interacting with the device via the graphical depiction. ("Thus, if the user selects a hypertext link or hypertext portion of an image, the user interface 206 would generate user interface (VI) APIs to 55 direct the layout engine 214 to manipulate the DOM 216 to perform the action requested by the user, e.g., display the file, image or graphic addressed by the hypertext link. In this way, the user may modify an HTML page and embedded objects to display entirely different views ," col. 11, lines 52-64).

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. **Claims 28 and 30-32**, are rejected under 35 U.S.C. 102(e) as being anticipated by *Chapman et al.* (US 2004/0021679 A1).

As to independent **claim 28**, Chapman et al. describe(s): A method that renders device-related graphics from streamed SVG information within a Web-based interface ("...web browser environment ...," para. [0142]), comprising: establishing a connection with a network associated with a device ("...allows the data source manager to pass a stream containing a data source ...," para. [0299]); retrieving a stream of SVG information associated with the device ("...Scalable Vector Graphics (SVG)...," para. [0220]); and executing the stream of SVG information within the remote interface to draw a dynamically updated interactive graphic of the device ("...Once a property's quality value is set, it is up to the control/behaviour as to how it represents that quality indication visually...," para. [0932]).

As to dependent **claim 30**, which depends from claim 28, Chapman et al. further discloses: The method of claim 28 further comprises employing intelligence to facilitate at least one of locating the SVG information ("...locating the file within that search path...," para.

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[0805]), executing the SVG information and interacting with the device via the interactive graphic ("...display begins executing...", para. [0493]).

As to dependent **claim 31**, which depends from claim 30, Chapman et al. further discloses: The method of claim 30, the intelligence is based on an inference and a classifier ("...The data delivery properties include properties that control the transmission of data from the server system such as update rates or information that helps to completely identify a data item in cases where a name from a server system namespace is not sufficient....," para. [0317]).

As to independent **claim 32**, Chapman et al. describe(s): A system comprising computer-executable instructions embodied on a computer-readable storage medium that when executed on one or more processors that provide Web-based visualization of a device comprising: means for retrieving a file with device-related information, the file is retrieved from a computer-readable storage medium associated with the device; ("...The data reference's ID might be ParamRef1 and the associated namespace name would be "34FC1234.PV". FIG. 16 illustrates a data source with several data references....," para. [0319]); means for invoking the file within a Web-based browser ("...web browser environment...", para. [0149]); and means for graphically viewing the device related information ("...display page by means of a data source definition...", para. [0042]).

RESPONSE TO ARGUMENTS

12. Applicant's arguments, concerning Claims 30-32 with respect to the 35 .S.C. §102(e) Rejections cited by the Examiner in the previous Office Action, have been fully

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considered but are not persuasive. For the foregoing reasons, the rejection(s) have been maintained.

13. Applicant's arguments with respect to Claims 1-24, 27-29, and 33 have been considered but are moot in view of the new ground(s) of rejection.

CONCLUSION

14. Although not relied upon, the following prior art is made of record because it considered pertinent to applicant's disclosure:

Allen; Bruce S. et al.	US 4570217 A	Man machine interface
Crater; Kenneth C. et al.	US 5982362 A	Video interface architecture for programmable industrial control systems
Knight, Christine N. et al.	US 20040083453 A1	Architecture for dynamically monitoring computer application data
Rittie; Kevin J. et al.	US 5917730 A	Computer implemented object oriented visualization system and method
Sanborn; Frank G. et al.	US 6999101 B1	System and method for providing vector editing of bitmap images
van Weele; Leonardus A. et al.	US 5631825 A	Operator station for manufacturing process control system

15. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samir Termanini whose telephone number is (571) 270-1047. The Examiner can normally be reached from 9 A.M. to 4 P.M., Monday through Friday (excluding alternating Fridays).

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, *see* <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Samir Termanini/
Examiner, Art Unit 2179

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179